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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/694,590	10/27/2003	J. Charles Headrick	H040 1100RE	3584

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EXAMINER	
MILLER, SAMANTHA A	

ART UNIT	PAPER NUMBER
3749	

MAIL DATE	DELIVERY MODE
02/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/694,590	HEADRICK, J. CHARLES	
	Examiner	Art Unit	
	SAMANTHA A. MILLER	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12-26 and 28-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *10 and 12-15* is/are allowed.

6)☒ Claim(s) *1,16-26 and 28-42* is/are rejected.

7)☒ Claim(s) *2-9* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Receipt of applicant's amendment filed on 11/2/2010 is acknowledged.

Reissue Applications

It is noted that the amendment filed on 11/2/2010 does not fully comply with 37 CFR 1.173 (d) since the newly added claims from the originally allowed claims the claims must be underlined in their entirety and all subject matter being deleted from an original patent claim must be placed between brackets; and subject matter being added to a new claim requires rewriting and underlining of the entire new claim. For compact prosecution the claims are being examined below, however the format of the claims must corrected in response to this office action

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 16-19, 21-26, and 28-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,772,502) in view of Zampini, Jr. et al. (US 4,083,448) in further view of Sharp (6,165,066). These three references, when considered together, teach all of the elements recited in claims 1, 16-19, 21-26, and 28-42 of this application.

In particular, claim 1 of this application is obvious when Smith is viewed in light of Zampini, Jr. et al. Smith discloses the invention substantially as claimed, including: a

plurality of ridge vent sections (20) each having ends (e.g., with first and second endwall portions 11 O, 112) and longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84) and being configured to be arranged end-to-end covering an open ridge (40) of a roof (42); each of said ridge vent sections (20) having a laterally flexible central panel (e.g., top panel portion 22 with flexible midsection 36) flanked by ventilation grids (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68) that extend along and inboard of the longitudinal edges (top edges of lips 82, 84) of the ridge vent (20); and a plurality of fasteners (anchoring nails 140) located between the longitudinal edges (top longitudinal edges of outwardly upturned lips 82, 84) of at least some of the ridge vent sections (20), said fasteners (140) being positioned for use in fastening said ridge vent sections (20) to a roof (42). Refer to Smith, Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 1 of this application further discloses that the plurality of fasteners are removably secured to each of said ridge vent sections, said fasteners being positioned to be removed by an installer of said ridge ventilation system. Smith does not disclose these additional limitations.

Zampini, Jr. et al., although, teaches an apparatus packaged together with the attachment means therefor having a plurality of fastening elements (e.g., screws 28, 30) in holders (e.g., chamfered screw holes) removably secured between the longitudinal peripheral edges (e.g., vertical edges - Fig. 1) of the apparatus (10) via a plastic or wax end cap (e.g., sheaths or nuts 44, 46, 48), said fastening elements (28, 30, 38) being

positioned to be removed by an installer of the apparatus (10) for use in installing the apparatus (1) for the purpose of saving time and labor for an installer working at the jobsite by ensuring that the fastening elements (28, 30) are provided on the device being installed. See Zampini, Jr. et al., Figures 1-4; column 1, lines 59- 61; and column 3, lines 6-43. Therefore, when Smith is viewed in light of Zampini, Jr. et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) in holders removably secured between the longitudinal peripheral edges of each ridge vent section (20) via a plastic or wax end cap for removal during installation, as taught by Zampini, Jr. et al., in order to save time and labor for an installer working at the jobsite by ensuring that the affixing fasteners are provided on the device being installed. Refer to Zampini, Jr. et al., column 1, lines 59-61.

Moreover, claim 16 of this application is obvious when Smith is viewed in light of Zampini, Jr. et al. Smith discloses the invention substantially as claimed, including: a plurality of ridge vent sections (20) configured to be arranged end-to-end covering an open ridge (40) of a roof (42), each ridge vent section (20) having ends (e.g., with first and second endwall portions 110, 112) and opposed longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84); each of said ridge vent sections (20) having a laterally flexible central panel (e.g., top panel portion 22 with flexible midsection 36) flanked by ventilation grids (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68)

and having integrally formed features (e.g., molded guides 144 - see Fig. 4) located between the opposed longitudinal edges (top longitudinal edges of outwardly upturned lips 82, 84), the features (144) being configured to receive and hold respective fasteners (e.g., anchoring nails 140) in a fixed orientation; and a plurality of fasteners (anchoring nails 140) to be used in fastening said ridge vent sections (20) to a roof (42). Refer to Smith, Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 16 of this application further discloses that the plurality of fasteners are stowed in respective features on at least one of said ridge vent sections between the opposed longitudinal edges thereof prior to arrangement of the ridge vent sections on a roof. Smith does not disclose this additional limitation.

Zampini, Jr. et al., although, teaches an apparatus packaged together with the attachment means therefor having a plurality of fastening elements (e.g., screws 28, 30, 38) disposed in integrally formed features (e.g., chamfered screw holes) and removably secured between the longitudinal peripheral edges (e.g., vertical edges - Fig. 1) of the apparatus (10) via a plastic or wax end cap (e.g., sheaths or nuts 44, 46, 48), said fastening elements (28, 30) being stowed on the apparatus (10) between the opposed longitudinal edges thereof prior to the installation of the apparatus (10) for the purpose of saving time and labor for an installer working at the jobsite by ensuring that the fastening elements (28, 30) are provided on the device being installed. See Zampini, Jr. et al., Figures 1-4; column 1, lines 59-61; and column 3, lines 6-43. Therefore, when Smith is viewed in light of Zampini, Jr. et al., it would have been obvious to one having

ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) removably stowed in the integrally formed features (144) between the longitudinal peripheral edges of each ridge vent section (20) prior to the arrangement of the ridge vent sections (20) on the roof, as taught by Zampini, Jr. et al., in order to save time and labor for an installer working at the jobsite by ensuring that the affixing fasteners are provided on the device being installed. Refer to Zampini, Jr. et al., column 1, lines 59-61.

In regard to claims 17 and 28, Smith further discloses that each of said ridge vent sections (20) further comprises wind baffles (outer edge walls 78, 80 with outwardly upturned lips 82, 84) positioned outboard of said ventilation grids (58, 60). See Smith, Figure 5 and column 3, lines 53-67. Therefore, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in these claims obvious.

In regard to claims 18 and 29, Smith further discloses that each of said wind baffles (outer edge walls 78, 80 with outwardly upturned lips 82, 84) is supported by an array of buttresses (spaced baffles 105, 107) extending between said wind baffle (78, 80) and the corresponding ventilation grid (58, 60). Refer to Smith, Figure 5 and column 3, lines 53-67. Consequently, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in claims 18 and 29 obvious.

In regard to claims 19 and 23, Smith further discloses that the plurality of fasteners comprises nails (anchoring nails 140). See Smith, Figure 2 and column 5,

lines 37-41. Thus, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in claims 19 and 23 obvious.

In regard to claim 21, Smith further discloses that the fasteners (e.g., anchoring nails 140) are driven into holes (bores 142) formed along the lengths of said ridge vent sections (20). Refer to Smith, Figure 2 and column 5, lines 37-41. Therefore, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in this claim obvious.

In regard to claim 22, Smith further discloses that the holes (bores 142) are disposed in said laterally flexible panel (e.g., top panel portion 22 with flexible midsection 36). See Smith, Figures 2-4 and column 5, lines 37-41. Consequently, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in claim 22 obvious.

In regard to claims 24 and 30, Zampini, Jr. et al. further teaches that a sufficient number of fastening elements (e.g., screws 28, 30, 38) are removably secured to the apparatus (10) for permanently fastening the apparatus (10) in place (the apparatus 10 is provided with a requisite quantity of screws 28, 30, 38, e.g., three) so that additional, external fastening elements are not required. Refer to Zampini, Jr. et al., Figures 1-4; column 1, lines 59-61; and column 3, lines 6- 17. Therefore, when Smith is viewed in light of Zampini, Jr. et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the ridge ventilation system of Smith by providing a sufficient number of fasteners (e.g., nails) to fasten said ridge vent section (20) to a roof (42) and to fasten shingles over the ridge vent section (20), as additionally taught by Zampini, Jr. et al., in order to obviate the need for additional,

external fasteners (e.g., nails) that are not furnished with the ridge vent section (20). See Zampini, Jr. et al., column 1, lines 59-61.

In regard to claims 25 and 31, the modified ridge ventilation system of Smith further teaches that the plurality of fasteners (e.g., nails) is removably stowed/carried by the features (e.g., chamfered screw holes) on said ridge vent section (20). Refer to Zampini, Jr. et al., Figure 4 and column 3, lines 6-17. Thus, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in claims 25 and 31 obvious.

Furthermore, claim 26 of this application is obvious when Smith is viewed in light of Zampini, Jr. et al. Smith discloses the invention substantially as claimed, including: a plurality of ridge vent sections (20) configured to be arranged end-to-end covering an open ridge (40) of a roof (42), each ridge vent section (20) having opposed ends (e.g., with first and second endwall portions 110, 112) and opposed longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84); each of said ridge vent sections (20) having a laterally flexible central panel (e.g., top panel portion 22 with flexible midsection 36) flanked by ventilation grids (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68) extending along and inboard of said opposed longitudinal edges (top edges of lips 82, 84); at least some of said ridge vent sections (20) being formed to define features (e.g., molded guides 144 - see Fig. 4) located between the longitudinal edges (top longitudinal edges of outwardly upturned lips 82, 84) of the ridge vent sections (20) and configured to receive and hold respective fasteners (e.g., anchoring nails 140) in a fixed orientation with respect to said ridge vent sections (20); and, a

plurality of fasteners (anchoring nails 140) to be used in fastening said ridge vent sections (20) to a roof (42). Refer to Smith, Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 26 of this application further discloses that the plurality of fasteners are carried by the features of at least one of said ridge vent sections at locations between said longitudinal edges thereof before said ridge vent sections are arranged on a roof. Smith does not disclose this additional limitation.

Zampini, Jr. et al., although, teaches an apparatus packaged together with the attachment means therefor having a plurality of fastening elements (e.g., screws 28, 30, 38) disposed in defined features (e.g., chamfered screw holes) and removably secured between the longitudinal peripheral edges (e.g., vertical edges - Fig. 1) of the apparatus (10) via a plastic or wax end cap (e.g., sheaths or nuts 44, 46, 48), said fastening elements (28, 30) being carried by the features (e.g., chamfered screw holes) on the apparatus (10) between the opposed longitudinal edges thereof prior to the installation of the apparatus (10) for the purpose of saving time and labor for an installer working at the jobsite by ensuring that the fastening elements (28, 30) are provided on the device being installed. See Zampini, Jr. et al., Figures 1-4; column 1, lines 59-61; and column 3, lines 6-43. Therefore, when Smith is viewed in light of Zampini, Jr. et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) removably carried by the defined features (144) between the longitudinal peripheral edges of each ridge vent section (20)

prior to the arrangement of the ridge vent sections (20) on the roof, as taught by Zampini, Jr. et al., in order to save time and labor for an installer working at the jobsite by ensuring that the affixing fasteners are provided on the device being installed. Refer to Zampini, Jr. et al., column 1, lines 59-61.

In addition, claim 32 of this application is obvious when Smith is viewed in light of Zampini, Jr. et al. Smith discloses the invention substantially as claimed, including: an elongated central panel (e.g., top panel portion 22 with flexible midsection 36) having opposed ends (e.g., with first and second endwall portions 110, 112)joined by opposed longitudinal edges (e.g., top longitudinal edges of outwardly upturned lips 82, 84); a plurality of features (e.g., molded guides 144 - see Fig. 4) integrally formed in said ridge vent section (20) between said opposed longitudinal edges (top longitudinal edges of outwardly upturned lips 82, 84), the features (144) being configured to hold respective fasteners (e.g., anchoring nails 140) in a fixed orientation relative to said ridge vent section (20); a ventilation grid (first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68) formed along an edge of said central panel (22, 36); and a fastener (e.g., anchoring nail 140) for fastening said ridge vent section (20) to a roof (42). Refer to Smith, Figures 1-6; column 2, lines 46-67; column 3, lines 1-67; column 4, lines 1-67; and column 5, lines 1-47.

However, claim 32 of this application further discloses that the fastener is held by a respective feature and stowed on said ridge vent section between said longitudinal

edges before said ridge vent section is installed on a roof. Smith does not disclose this additional limitation.

Zampini, Jr. et al., although, teaches an apparatus packaged together with the attachment means therefor having a plurality of fastening elements (e.g., screws 28, 30, 38) disposed in integrally formed features (e.g., chamfered screw holes) and removably secured between the longitudinal peripheral edges (e.g., vertical edges - Fig. 1) of the apparatus (10) via a plastic or wax end cap (e.g., sheaths or nuts 44, 46, 48), said fastening elements (28, 30) being stowed on the apparatus (10) between the opposed longitudinal edges thereof prior to the installation of the apparatus (10) for the purpose of saving time and labor for an installer working at the jobsite by ensuring that the fastening elements (28, 30) are provided on the device being installed. See Zampini, Jr. et al., Figures 1-4; column 1, lines 59-61; and column 3, lines 6-43. Therefore, when Smith is viewed in light of Zampini, Jr. et al., it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) removably stowed in the integrally formed features (144) between the longitudinal peripheral edges of each ridge vent section (20) prior to the arrangement of the ridge vent sections (20) on the roof, as taught by Zampini, Jr. et al., in order to save time and labor for an installer working at the jobsite by ensuring that the affixing fasteners are provided on the device being installed. Refer to Zampini, Jr. et al., column 1, lines 59-61.

In regard to claim 33, Smith further discloses a hole (e.g., bore 142) in said panel (e.g., top panel portion 22 with flexible midsection 36). See Smith, Figures 2-4 and column 5, lines 37-41. Therefore, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in this claim obvious.

In regard to claim 34, Smith further discloses that the fastener (e.g., anchoring nail 140) is driven into said hole (e.g., bore 142) when fastening said ridge vent section (20) to a roof (42). Refer to Smith, Figures 2-4 and column 5, lines 37-41. Consequently, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in claim 34 obvious.

In regard to claim 35, Smith further discloses that the fastener is a nail (anchoring nail 140). See Smith, Figures 2-4 and column 5, lines 37-41. Thus, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in claim 35 obvious.

In regard to claim 36, Smith further discloses that the central panel (e.g., top panel portion 22 with midsection 36) is laterally flexible (the midsection 36 is laterally flexible). Refer to Smith, Figures 2, 3, and 5; column 2, lines 46-62. Therefore, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in this claim obvious.

In regard to claim 37, Smith further discloses a wind baffle (outer edge walls 78, 80 with outwardly upturned lips 82, 84) positioned outboard of said ventilation grid (58, 60). See Smith, Figure 5 and column 3, lines 53-67. Consequently, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in claim 37 obvious.

In regard to claim 38, Smith further discloses a drain trough (gutters 70, 72) formed between said ventilation grid (58, 60) and said wind baffle (outer edge walls 78,

80 with outwardly upturned lips 82, 84). Refer to Smith, Figures 2 and 5 and column 3, lines 44-52. Thus, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in claim 38 obvious.

In regard to claim 39, Smith further discloses a weep hole (outer drain wall openings 106) formed along said drain trough (gutters 70, 72). Refer to Smith, Figures 3, 4, and 6; column 3, lines 44-52. Therefore, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in this claim obvious.

In regard to claims 40, 41, and 42, Smith further discloses that said features (e.g., molded guides 144 - see Fig. 4) are disposed along said ventilation grids (e.g., first and second ventilation means 58 and 60, which include a plurality of spaced ribs 66 defining louvered ventilation openings 68). See Smith, Figure 4; column 3, lines 30-44; and column 5, lines 37-41. Consequently, Smith in view of Zampini, Jr. et al. also renders the limitations set forth in claims 40, 41, and 42 obvious.

In regard to claims 1, 16, 26, and 32 Smith in view of Zampini teaches the invention as discussed above. However, Smith in view of Zampini does not teach fasteners being positioned to be removed by an installer of a ventilation system for use at locations different from first locations in fastening the vent sections to a structure; or the fasteners being in a storage position prior to arrangement of the vent sections on a roof and being in a fastening position different from the storage position when the vent sections are fastened to the structure.

Sharp teaches; the fasteners (200) being positioned to be removed by an installer (remove from the pre-position to a fastened position by installer hammering the

nails in) of the ventilation system for use at locations (nailed in location) different from the first locations (pre-nailed position, Fig.19) in fastening said vent sections to a structure (col.10 ll.29-52); or the fasteners (200) being in a storage position (Fig.19) prior to arrangement of the vent sections on a structure and being in a fastening position (nailed in position) different from the storage position when the ridge vent sections are fastened to the structure (col.10 ll.29-52).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Smith in view of Zampini in view of the storage position of Sharpe in order to have labor saving techniques, or changes in the apparatus which would reduce the cost of installation (Sharpe, col.1 ll.32-34).

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (US 5,772,502) in view of Zampini, Jr. et al. (US 4,083,448) in view of view of Sharp (6,165,066) as applied to claim 17 above, and further in view of Gates (US 5,149,301). These four references, when considered together, teach all of the elements recited in claim 20 of this application.

In particular, claim 20 of this application is obvious when Smith is viewed in light of Zampini, Jr. et al., and further viewed in light of Gates. As described above, Smith, as modified by Zampini, Jr. et al., discloses all the elements of base claim 17, the claim upon which this claim depends. Moreover, with respect to claim 20, Smith further discloses a drain trough (gutters 70, 72) formed between each of said ventilation grids (58, 60) and its corresponding wind baffle (outer edge walls 78, 80 with outwardly

upturned lips 82, 84), weep holes (outer drain wall openings 106) formed along each of said drain troughs (70, 72) for promoting the escape of water from said drain troughs (70, 72). Refer to Smith, Figures 2-6 and column 3, lines 44-52. However, claim 20 of this application further discloses upstanding barriers positioned along said drain troughs and aligned with said weep holes for preventing rain from being blown through said weep holes and into said ventilation grids. Smith, as modified by Zampini, Jr. et al., does not contain these additional limitations. Gates, although, teaches a roof ridge ventilator (10) having drain troughs (e.g., spaces 28) disposed on laterally opposed sides thereof, weep holes (drain openings 30) formed along each of the drain troughs (28) for promoting the escape of water from the drain troughs (28), and upstanding barriers (inner, wind deflecting baffles 32) positioned along the drain troughs (28) and aligned with the weep holes (30) for the purpose of preventing wind driven rain and/or snow from being blown through the weep holes (30) and into the ventilator (10). Refer to Gates, Figures 1-2; column 2, lines 28-43; column 3, lines 43-68; and column 4, lines 1-3. Therefore, when Smith is viewed in light of Zampini, Jr. et al., and further viewed in light of Gates, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of Smith in view of Zampini, Jr. et al. by adding upstanding barriers (32) in the drain troughs (70, 72) behind each of the weep holes (106), as taught by Gates, in order to prevent wind driven rain and/or snow from being blown through the weep holes (106) and into the ridge vent sections (20). Refer to Gates, column 3, lines 52-66.

Allowable Subject Matter

Claims 2-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 10 and 12-15 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 1, 16-26, and 28-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAMANTHA A. MILLER whose telephone number is (571)272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Rinehart can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samantha A Miller/
Examiner, Art Unit 3749
12/18/2010
/Steven B. McAllister/
Supervisory Patent Examiner, Art Unit 3749